REMARKS

This is a response to the Office Action dated February 21, 2003. Claims 1-118 are pending in the application. In the Office Action, claims 1-20, 24-70, 74-114 and 116-118 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 5,983,200 ("Slotznick"). In addition, claims 21-23, 71-73 and 115 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Slotznick in view of Japanese publication no. 5-250392 ("Hirohisa").

With this response, Applicants have provided and English translation of Hirohisa for the convenience of the Examiner.

The rejection from the Office Action of February 21, 2003 is discussed below in connection with the various claims. No new matter has been added. Reconsideration of the application is respectfully requested in light of the following remarks.

I. REJECTIONS UNDER 35 U.S.C. § 102(e)

Independent Claims 1, 42, 51, 92 and 102 were rejected pursuant to 35 U.S.C. § 102(e) as being anticipated by Slotznick. With this response, claims 1, 42, 51, 92 and 102 have been amended. These amendments add no new matter and are supported by the specification. Applicant submits that claims 1, 42, 51, 92 and 102, as amended, are not anticipated by Slotznick.

Independent claim 1, as amended, relates to a "method for facilitating electronic commerce through a network, the network comprising at least one server computer capable of communicating with a browser system located at a remote client computer...." The method comprises: " receiving a first request for a first suggested order, said first suggested order comprising a first two or more suggested products or services of a plurality of products or services, a first suggested recurrence for each of said first two or more suggested products or services and first suggested quantities;" and "generating a first profile, said first profile comprising said first suggested order, wherein said first suggested order automatically recurs one or more times according to said first suggested recurrence."

Independent claim 42, as amended, relates to a "method for facilitating electronic commerce through a network, said network comprising at least one server computer capable

of communicating with a browser system located at a remote client computer...." The method comprises: "receiving a first electronic standing order for two or more products or services;" "receiving a reminder specification for a reminder message;" "supplying, automatically, said two or more products or services according to an order recurrence associated with said standing order;" and "providing said reminder message one or more times according to a reminder recurrence."

Independent claim 51, as amended, relates to an "order management system for facilitating electronic commerce over a network, said network comprising at least one server computer capable of communicating with a browser system located at a remote client computer over said network...." The order management system comprises: "an order receiver operative to receive a first request for a first suggested order, said first suggested order comprising a first two or more suggested products or services of a plurality of products or services, a first suggested recurrence for each of said first two or more suggested products or services and first suggested quantities;" "a profile generator coupled with said order receiver and operative to generate a first profile, said first profile comprising said first suggested order;" and "an order generator responsive to said first profile and operative to cause said first suggested order to automatically recur one or more times according to said first suggested recurrence."

Independent claim 92, as amended, relates to an "order management system coupled with a network, said network comprising at least one server computer capable of communicating with a browser system located at a remote client computer over a network...." The order management system comprises: "an order receiver operative to receive an electronic standing order for two or more of a plurality of products or services; said order receiver further operative to receive a reminder specification for a reminder message;" "a profile generator coupled with said order receiver and operative to generate a first profile, said first profile comprising said electronic standing order and specifying an order recurrence for said electronic standing order, said first profile further comprising said reminder specification, and specifying a reminder recurrence;" and "an order generator responsive to said first profile and operative to cause said electronic standing order to automatically recur one or more times according to said order recurrence and cause said

reminder message to be automatically transmitted one or more times according to said reminder recurrence."

Independent claim 102, as amended, relates to a "method for facilitating electronic commerce through a network, said network comprising at least one server computer capable of communicating with a browser system located at a remote client computer...." The method comprises: "providing, electronically, at least one suggested order comprising at least two products or services and a suggested recurrence;" "generating a standing order for the at least two products or services at the suggested recurrence in response to an electronic reply to..." the providing.

Slotznick discloses an intelligent agent which executes tasks by using intelligent agent learning modules which store information necessary to execute the tasks. A computer receives a command to execute a task or receives data which causes a task request to be generated. The computer accesses appropriate information in the learning modules to execute the task, and outputs instructions for output devices to execute the tasks. The tasks may be executed at a future time and on a periodic basis. The learning modules build up a database of information from previously executed tasks, and the database is used to assist in executing future tasks. The tasks include physical commercial transactions. Portions of the intelligent agent may be remotely located and interconnected via remote communication devices. *See* Slotznick, Abstract. Using the present invention, both payment and delivery can be specified for future occurrence. In addition, the present invention incorporates a learning database that accumulates data on an incremental as-needed basis. The present invention learns terms which it didn't originally know (such as nicknames, shipping addresses, alternate product names, and user's preferences over products) but only requires the data needed for the current task. The present invention remembers the data as a way to expedite the delegation process of the present task and similar tasks in the future. In short, the apparatus described herein can accomplish action at a distance in both time and space and arrange payment at a distance in time. *See* Slotznick, Col. 2, lines 53-66. The present invention not only reminds a user about a task or event, but accomplishes that task without further user intervention. *See* Slotznick, Col. 3, lines 29-31.

While Slotznick discloses that the intelligent agent may be used to purchase various products such as flowers, Slotznick fails to disclose that the intelligent agent stores a profile of multiple products to be ordered on a recurring basis as claimed in Applicants' claims. *See* Slotznick, Col. 3, line 52 – Col. 4, line 10, Col. 7, lines 42-58; Col. 12, line 49- Col. 13, line 23; and Col. 20, line 64 – Col. 21, line 5. In particular, the intelligent agent of Slotznick is designed to be an overall assistant to the user, handling any given task that user may need to remember or perform, i.e. the Slotznick system is task oriented. Applicants' claimed invention however, is order oriented, i.e. it is directed at re-ordering a given set of products on a recurring basis to alleviate the need for the user to constantly access the order system and re-enter their order. As entering an order for multiple products is time consuming, Applicants' claimed invention provides the user with convenience. As compared with the intelligent agent of Slotznick, the user would have to enter multiple tasks into the intelligent agent software, with each task specifying an individual product delivery date and recurrence, for each product that the user wishes to order. While Slotznick does disclose an interactive embodiment of the invention which plans and helps cook meals by comparing an ingredient list with an inventory and automatically placing an order for ingredients not presently in inventory, such an embodiment is not utilizing a recurrence pattern or profile as claimed. *See* Slotznick, Col. 7, lines 4-38. The meal planning embodiment merely discloses a system which analyzes needs and fulfills those needs on a one-time basis. This is not the same as creating a profile of multiple goods and/or services to be ordered on a recurring basis.

For at least these reasons, independent claims 1, 42, 51, 92 and 102, as amended, are not anticipated by Slotznick. Accordingly, Applicants request that the Examiner withdraw this rejection of independent claims 1, 42, 51, 92 and 102.

Dependent Claims 2-20, 24-41, 43-50, 52-70, 74-91, 93-101, 103-114, and 116-118 were also rejected pursuant to 35 U.S.C. § 102(e) as being anticipated by Slotznick. Dependent claims 2-20, 24-41, 43-50, 52-70, 74-91, 93-101, 103-114, and 116-118 should be allowed for the reasons set out above for the independent claims. Applicants therefore request that the Examiner withdraw this rejection of these claims.

Further, additional limitations of these dependent claims also distinguish over the cited reference. For example, Slotznick fails to disclose: wherein said plurality of products

or services are associated with a multi-level marketing system, as claimed in claim 3; wherein a user is registered with said multi-level marketing system as a client, member or independent business owner ("IBO") and wherein said receiving further comprises receiving said first request from said user, as claimed in claim 4; wherein said plurality of products or services is associated with a respective plurality of electronic commerce system products or services web files, as claimed in claim 5; wherein said plurality of electronic commerce system products or services web files are operatively coupled with a web site associated with said network, said network comprising an electronic commerce system, as claimed in claim 6; receiving a second request for a second suggested order, as claimed in claim 10; wherein said modifications are received after said generating as claimed in claim 14; balancing said first suggested quantities and said first suggested recurrence to substantially equalize a distribution of subsequent recurrences of said first suggested order, as claimed in claim 18; wherein said balancing substantially equalizes a distribution of cost per recurrence of said first suggested order, as claimed in claim 19; wherein said balancing substantially equalizes a distribution of incentive compensation per recurrence of said first suggested order, as claimed in claim 20; providing one or more interactive messages relating to one or more of said plurality of products or services, wherein said first request further comprises one or more responses to said one or more interactive messages, as claimed in claim 24; wherein a subset of said one or more interactive messages further relates to demographic information, as claimed in claim 25; wherein a subset of said one or more interactive messages further relates to subjective preference information, as claimed in claim 26; wherein a subset of said one or more interactive messages further relates to a specific product or service selected from said plurality of first electronic commerce system products or services, as claimed in claim 27; wherein a subset of said one or more interactive messages further relates to use of a product or service, as claimed in claim 28; accessing a product or service database to select said first one or more suggested products or services which correlate to said one or more responses, as claimed in claim 29; providing one or more pre-defined groupings of one or more products or services selected from a plurality of products or services offered by one or more vendors, wherein said first request further comprises a selection indication of one or more of said one or more pre-defined groupings, as claimed in claim 30; wherein said

plurality of products or services are associated with a multi-level marketing system, as claimed in claim 53; wherein a user is registered with said multi-level marketing system as a client, member or independent business owner ("IBO") and wherein said receiving further comprises receiving said first request from said user, as claimed in claim 54; wherein said plurality of products or services is associated with a respective plurality of electronic commerce system products or services web files, as claimed in claim 55; wherein said plurality of electronic commerce system products or services web files are operatively coupled with a web site associated with said network, said network comprising an electronic commerce system, as claimed in claim 56; said order receiver is further operative to receive a second request for a second suggested order, as claimed in claim 60; wherein said second suggested recurrence is different from said first suggested recurrence, as claimed in claim 61; wherein said first profile and said second profile are the same profile, as claimed in claim 62; wherein said modifications are received after said first profile is generated, as claimed in claim 64; an order balancing processor coupled with said profile generator and operative to balance said first suggested quantities and said first suggested recurrence to substantially equalize a distribution of subsequent recurrences of said first suggested order, as claimed in claim 68; wherein said order balancing processor is further operative to substantially equalize a distribution cost per recurrence of said first suggested order, as claimed in claim 69; wherein said order balancing processor is further operative to substantially equalize a distribution of incentive compensation per recurrence of said first suggested order, as claimed in claim 70; wherein said order receiver is further operative to provide one or more interactive messages relating to one or more of said plurality of products or services, wherein said first request further comprises one or more responses to said one or more interactive messages, as claimed in claim 74; wherein a subset of said one or more interactive messages further relates to demographic information, as claimed in claim 75; wherein a subset of said one or more interactive messages further relates to subjective preference information, as claimed in claim 76; wherein a subset of said one or more interactive messages further relates to a specific product or service selected from said plurality of first electronic commerce system products or services, as claimed in claim 77; wherein a subset of said one or more interactive messages further relates to use of a product or service, as claimed in

claim 78; wherein said profile generator is further operative to access a product or service database to select said first one or more suggested products or services which correlate to said one or more responses, as claimed in claim 79; wherein said order receiver is further operative to provide one or more pre-defined groupings of one or more products or services selected from said plurality of products or services, wherein said first request further comprises a selection indication of one or more of said one or more pre-defined groupings, as claimed in claim 80; wherein said at least one product or service is associated with a respective electronic commerce system product or service web file, as claimed in claim 104; wherein said electronic commerce system product or service web file is operatively coupled with said network, said network comprising an electronic commerce system, as claimed in claim 105; wherein said generating further comprises spreading said standing order over a duration of said suggested recurrence, as claimed in claim 112; providing one or more interactive messages relating to said at least one product or service, as claimed in claim 116; providing one or more pre-defined groupings of said at least one product or service, as claimed in claim 117; and reviewing historical orders for said at least one product or service, wherein said at least one suggested order is based on said review, as claimed in claim 118.

II. REJECTIONS UNDER 35 U.S.C. § 103(a)

Dependent claims 21-23, 71-73 and 115 were rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Slotznick in view of Hirohisa. These claims should be allowable for the same reasons as the independent claims from which they depend, as discussed above. With this response, claims 40 and 56 have been amended. These amendments add no new matter and are supported by the specification. Applicants further submit that dependent claims 21-23, 71-73 and 115, as amended, are not obvious in view of Slotznick and Hirohisa.

Dependent claim 21, as amended, incorporates the limitations of independent claim 1 and further adds "wherein said first request further comprises usage information about how said first one or more suggested products or services are to be used...." In addition, dependent claim 21 adds "determining a predicted lifespan corresponding to said first one or more suggested products or services;" and "calculating said first suggested quantities and said first suggested recurrence based on said usage information and said predicted lifespan."

Dependent claim 71, as amended, incorporates the limitations of independent claim 51 and further adds "wherein said first request further comprises usage information about how said first one or more suggested products or services are to be used, said profile generator further operative to determine a predicted lifespan corresponding to said first one or more suggested products or services and calculate said first suggested quantities and said first suggested recurrence based on said usage information and said predicted lifespan."

Dependent claim 115, as amended, incorporates the limitations of independent claim 102 and further adds "wherein (a) occurs in response to receipt of usage information about how said at least one product or service is to be used, said suggested recurrence being a function of said usage information and a predicted lifespan of said at least one product or service."

Slotznick is discussed above.

With this response, Applicants have obtained an English translation of the entire Hirohisa reference. A copy of this translation is included for the convenience of the Examiner. Hirohisa discloses a system for forecasting demand of a repetitively ordered specification-invariant product. *See* Hirohisa, translation, para. 1. The disclosed system automatically generates a repeat order record based on forecasts of future demand volume. The forecasts of future demand volume are created by delineating the use conditions from the historical progression of delivery volume. *See* Hirohisa, translation, para. 8.

Both Slotznick and Hirohisa fail to disclose determining the predicted lifespan corresponding to one or more suggested products or services and calculating suggested quantities and recurrence based on the predicted lifespan and usage information. In particular, Slotznick fails to disclose any analytical capability of the intelligent agent aside from the capability to implement contingent or date-dependent tasks. *See* Slotznick, Abstract and Col. 3, line 29 – Col. 4, line 42. Hirohisa discloses a demand forecasting system which automatically generates repeat order based on a historical order pattern. Hirohisa does not disclose a system which bases repeat orders on an analysis of the predicted life-span of a given product.

Further, Hirohisa teaches away from Applicants' claimed invention. While Applicants' claimed invention functions whether this is the first order or the 20th order, the

system disclosed in Hirohisa requires a pattern of historical orders in order to operate. A historical pattern of orders can only be obtained once a user has successfully completed the requisite number of orders to enable the predictive capability disclosed in Hirohisa. Applicants' claimed invention, in contrast, determines a predicted lifespan of a product, i.e. how long will that product last, given the provided usage information. This is unrelated to and does not require knowledge of past orders of the same product.

As neither Slotznick nor Hirohisa discloses determining a predicted lifespan of a product and calculating quantities and recurrences as claimed, the combination also fails to result in these limitations. For at least these reasons, claims 21-23, 71-73 and 115 are not obvious in view of Slotznick and Hirohisa. Accordingly, Applicants request that the Examiner withdraw this rejection of dependent Claims 21-23, 71-73 and 115.

Dependent Claims 22, 23, 72 and 73 were also rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Slotznick in view of Hirohisa. Dependent claims 22, 23, 72 and 73 should be allowed for the reasons set out above for the claims from which they depend. Applicants therefore request that the Examiner withdraw this rejection of these claims.

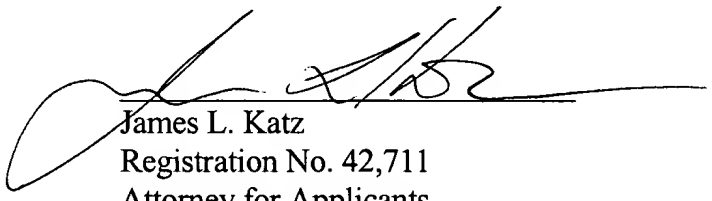
III. NEW CLAIMS

With this response, new claims 119-126 have been added. These claims add no new matter and are supported by the specification. These claims should be allowed over the cited art for the same reasons as discussed above. Accordingly, Applicants request that new claims 119-126 be allowed.

CONCLUSION

Each of the rejections in the Office Action dated February 21, 2003 has been addressed and no new matter has been added. Applicant submits that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,



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